

## MUST BEAR THEIR SHARE

Executive Will Ask Law Makers to Remain.

ANCE TO VOTE UPON ANY VETOES

responsibility for Appropriations Will Not Be Assumed by Acting Gov. Cooper.

Many vetoes. Recommendations as to loan extension of the session for fifteen days. Strong intimations that the acting Governor sees no necessity for an extra session. Confusion in the ranks of the independent House Rule members, to the extent that there will be little opposition. Final adjournment of the Legislature with the Appropriation bill practically as the Republicans have fought for them.

are the impressions which are ascendancy in the minds of the members of the majority party in the Legislature, as the results which will be the re-assembling of the Legislature on Thursday. The events of the day, interviews of committees of the House and Senate with the Executive, the discussion of the outlook and the action of a half-dozen members for whom are responsible for these bills, may be only time will tell. The Executive will not discuss the bills he held with the official body of the two Houses.

The Legislature held sessions yesterday which were without special interest. There were small tilts, but the members were not in the mood for any fighting, as their minds were on Appropriation bills. Soon after the House came together they adjourned, having appointed committees on the Governor to notify him of the session was over and the two Houses stood ready to adjourn. The morning, and the afternoon was given over, where two or three were gathered together, to a session of the talks the Acting Governor had with the committees, and prospects.

Among the various reports of those who saw the facts seem to be that the Executive informed the members of the House that he would communicate with the House Thursday. The message indicated the progress made by the Governor in his consideration of bills, and at what time he expects to be able to dispose of them. There is a strong recommendation that the proposed section for the appropriations for public works be applied to the revenues which may be derived from the proceeds of the sale of bonds under the old law, there being nearly \$500,000 of the securities unissued. The message may contain information that there would be an extra session with the House, which were in the proposed loan bill, and which have been put into the expense bill, out of it.

There will be, then, an extension of session for a short time, probably five days, so that the Houses may adjourn on Thursday. Mr. Cooper told members of the committee plainly that he would not assume the entire responsibility of an appropriation bill. This he would have to do in the case of an adjournment of the Legislature. The members were told in case there were any paragraphs of simple time would be given for consideration of these points. The members of the two committees believe that there will be many vetoes. The bill out of the bill, the intimations to that effect having left a strong impression on the minds of most of the members.

Meanwhile, there is confusion in the ranks of the majority party. The House Rule leaders do not expect to see a caucus on the bill, or to consider what shape the opposition to the bill is expected to take. The regular session of the party has been called for Thursday evening, that time having been set when it was supposed that there would be a final adjournment on that day. But Senator Kalanianaʻolaha said yesterday that he would call a meeting of the members of the Legislature to decide upon a course of action in the event of the vetoing of the Appropriation bill by the Acting Governor. Other members of the party who were in the committee yesterday, said that there would be no use of holding a caucus, as there would not be a two-thirds

of either House ready to vote down anything the executive may do. This was made sure yesterday when five members of the House Rule party went home. These were Senator Kauai, president of the Senate and Senator J. T. Brown of Hilo, and Messrs. Nalima, Ewaliko and Kelihoaka, of the lower House. Senator H. P. Baldwin also went to Maui, but his absence will not affect any vote to override a veto. These members could not return to the city before Saturday evening, and it is said that some of them will not come back during the term.

Even should the members named return for the extended session the probability of securing a vote sufficient to override is remote. The condition is thus put by one of the House members: "The majority party has given enough members to the minority to give it the majority, and the minority, on almost every item of the bill, would have a majority." The action of the House in the conference committee indicates that he could not act with the Independents in attempting to override a veto, and there are at least two others of the House members who are expected to vote with the Republicans. In the Senate there would be almost a tie vote. It is the report that there will be an attempt on the part of the House members to defeat any effort to carry into effect the recommendations of the Governor to fix matters so that the new works will be taken care of by any funds derived from the sale of bonds. The minority has enough votes to prevent this, however, and there seems no reason to believe that the plan of Mr. Cooper to avert any extra session will meet with any setback.

The apathy of the Independents leads to the belief, which is shared and expressed by members of the party, that the final action on the appropriation bill will be along lines set by the Republican members. This will leave the net result of the session a victory for the minority, as the majority party cannot go home and charge that they were not given every chance to make the bill, being kept in session to exercise their prerogative to overlook any veto and vote it down if possible. Acting Governor Cooper, before going to his Peninsula home last evening, said that he had gone over the bills, making comparisons and investigating the differences as to the figures and those set out in the messages of the Governor. He took all the papers with him, so that he could work over them during the evening. He said that he would, in his message to the Legislature, call attention to appropriations for unpaid bills in the department of public works, and also try and find some way to secure some money for the needed schoolhouses on this island.

The meeting of the Senate yesterday morning was marked only by a strong effort on the part of Achi to get the appropriation bills back into the hands of the houses from the executive. He began by saying that the bills had reached the Acting Governor through an unauthorized channel. Emmert, said that he had not on the proper committee of the House and these bills to the executive. This attempt was called out by the reading of a communication from the chief of the Department of Public Works, in which attention was called to unpaid bills of that department to the amount of \$73, and asking a further appropriation of \$10,000 to meet bills from Niihau and Hawaii, which were incurred prior to the close of the new fiscal year, and which had not yet been received by the department. It was to put in these matters that Achi wanted the current expenditures bill. Achi said that the credit of the Territory was at stake, and that he believed further that the bills were not regular in the possession of the Acting Governor.

Senator Baldwin said that he did not think that any lawyer would say that the alleged irregularity in committee would invalidate the action on any of these bills which had been passed by both houses. The irregularity, if there was any, he said, belonged to the House, and that body should take it up. The proper thing, he insisted, would be a new bill. Senator Paris was of the same opinion, and then Senator J. T. Brown took the floor to say that the recommendation did not say that before the Senate in the proper way, as it should be in the form of a message from the Governor, and that he did not think the credit of the Territory would suffer if the bills had to go over. He therefore moved to table the letter, and this was done. The Senate overlooked the fact that almost a month ago the Acting Governor sent a message to the House calling attention to this very matter, and it was not acted upon at all.

On motion a committee was appointed to call upon the Acting Governor and notify him that the Senate had finished its business, and was ready to adjourn without day. The committee named was Senators Kalanianaʻolaha, White and Achi. The Senate then adjourned until Thursday.

In the House the only action was to give the clerk thirty days in which to prepare the journal of the House, have it printed and sent to the members. There were motions to cut the time to ten, fifteen and twenty days, but the original resolution prevailed. By it the clerk has custody of all property of the House, to turn it over to the proper authorities to hold for the use of the next Legislature.

During the discussion of the resolution the clerk said that he had made a contract with the Bulletin Company for the publication of the journal. The printing would be done, he said, within twenty days of the expiration of the session, and it would take him ten days more to arrange and dispatch the ten copies to each member of the House. This showing had the effect of securing a majority for the resolution. There were several kinds of humor in the proceedings; once, when Hoogs tried to arrange for a ball game to see whether or not the legislators could play ball better than they could pass bills.

## E. S. GILL LEAVES THE ISLANDS

He Tries to Keep the Departure Dark.

FOUND IN HIS STATE ROOM ASLEEP

Friends Say He Will Not Return to Hawaii—Is Still Under Indictment.

Edwin S. Gill, editor of the Republican, a man under indictment for shooting Mortimer I. Stevens, surreptitiously left the Islands last night, per steamer Sierra, but something intervened. Friends of Mr. Gill say he will not return, the Republican having proved to be a disastrous venture. Its deficit last month, despite the receipt of legislative printing, given without bids and at its own price, was \$700. Before that time the losses had averaged nearly \$1,000 per month, there having been \$3,000 written off before the additional losses specified in a late exhibit, given in these columns, had been incurred. Lately salaries have been cut and other expenses curtailed.

Mr. Gill booked very late and gave orders that nothing should be said of his departure. The police learned of the matter but had no papers by which they could detain the fugitive. The question was one for the bondsman to settle. Mr. J. A. Magoon being the surety. It will be remembered that Judge Humphreys fixed Gill's bail at \$500, a sum he could easily pay himself if, at any time, he might deem it advisable for his employee to disappear with the same celerity that Stevens, the prosecuting witness, showed.

## CARNEGIE IS ASKED TO AID HONOLULU'S PUBLIC LIBRARY

A Letter Has Been Sent by Trustees Setting Forth the Need and Uses of a Contribution.

Andrew Carnegie, the steel millionaire and library philanthropist, has now before him a letter calling attention to the city of Honolulu as a field for his next benevolence in the line of giving of gifts for the benefit of the reading public. Upon the action of the board of trustees of the library, President M. M. Scott recently wrote at length to the greatest living giver of municipal gifts, setting forth the needs of this city in the way of a library, and suggesting that any benevolences would not be misplaced. This action on the part of the Honolulu library was due to the feeling of the members of the board that there exists here a peculiar field for the bettering of the people through books. The present library, which is maintained by a subscription fee, in their opinion should be made a free library, and as they are working to that end, they believe that it would come more quickly if there were a larger field for it through an addition to its endowment fund, and such a collection of books as would cause the people to give more freely to its support. The present endowment is available only for the purchase of new things, and there is not a sufficient wide scope for the project of making it free through the gift of books from the people, which would provide a fund from which the actual running expenses could be paid without any fee from users of the books.

The letter of President Scott was one which treated the suggestion of aid as a business matter. The history of the library was set out, the fact that through the efforts of the members of the library it now has a site and building free of debt, paid for by gifts and many methods of raising funds, as fairs and entertainments. Attention is called to the endowment fund of \$40,000, the interest on which goes only for the enlargement of the library. This means that with its present list of some 15,000 volumes the work of the library is restricted, as there must be charged a fee for the membership, to provide for the care of the books and the service. The possibility of providing a fund for the library service, should it be placed on a larger basis, is gone over, and the belief expressed that any maintenance

What will be done with the Republican is not known but there is no apparent chance to save it. Circulation is nearly at the zero point and advertising space goes for a song. Half a page in the Sunday issue was lately sold for \$5. The paper has lost credit very rapidly since its owner, Humphreys, was repudiated by the bar of Honolulu.

About midnight Gill turned over the keys of the office to Daniel Logan. He then went to the Mariposa, leaving orders with the officers to deny his presence on board. His wife remained to follow at her leisure.

Upon the arrival of Mr. Gill at the steamer he paid his passage to the purser and was seen about the decks until his trunk arrived. He met Attorney General Dole and told him that he was there to see some of the passengers. Shortly afterwards he took his state-room and went to bed. The steward denied that he had roomed any male passenger from Honolulu and that any trunk had been received after midnight. Mr. Gill was found asleep in state-room 14 and his baggage was properly stowed.

### Carter-Rathburn Affair.

Another version of the Carter-Rathburn shooting affray reaches us in the following from a well-known citizen of Kahuku. "I have just been notified that former Judge Rathburn of this district was shot in the shoulder by Dr. Carter Sunday night while the family was in bed. It seems that Rathburn was 'full' and for some reason deliberately walked into the Carters' bedroom while they were asleep. The shooting followed. This is all I have heard so far and of course I have no way of verifying it, but my information came from our local policeman, who further states that Rathburn is coming here to have the bullet extracted."

### Judge Humphreys' Case.

It is understood that charges have been filed at the Department of Justice against Judge Humphreys of Honolulu. These charges are said to grow out of the action of the judge on certain matters that came up before him. The judge is now on his way to this city, and it is said, will bring with him a petition, signed by leading citizens of Honolulu, indorsing his course, a number of letters to that effect already having come to the department.—Washington Star.

### Sewers Leaking.

The new sewers are not working as they should, according to the report of Constructing Engineer F. B. Edwards. He says they are leaking at the rate of forty-five gallons a minute, and because of this the contractors should forfeit \$1,400 according to their contract.

The following persons were booked last night on the Mariposa: P. R. Whelan, E. S. Gill and the Misses Gallagher.

## LAND FIGHT IS NOW ON

Pearl Harbor Site Suit Summons Served.

LESSEES AS WELL AS OWNERS IN IT

Halawa, Kuahua and Ford's Isl. and the Bone of Contention.

All the parties to the condemnation suits brought by the United States Government to secure those lands about Pearl Harbor which are to be used for the proposed Naval Station, were served yesterday with summons calling upon them to appear within twenty days and answer the petition in the suit. The papers were served by Deputy Marshal E. R. Hendry, and the wait between the time of the filing of the papers, July 6th, and their service has resulted in the finding of all the parties in the city.

The summons were directed to the following: Estate of Bernice Pauahi Bishop, deceased; and Joseph O. Carter, William F. Allen, William O. Smith, Samuel M. Damon and Alfred W. Carter, trustees under the will of Bernice Pauahi Bishop, deceased and the estate; the Oahu Railway & Land Company, the Dowsett Company, Limited, the Honolulu Sugar Company, the Honolulu Plantation Company, Chow Ah Fo, the John II Estate, Limited, William G. Irwin, Oahu Sugar Company, Limited, and Bishop & Company. This comprises all the owners of the lands which are sought to be condemned and all those who claim any interest in the lands. There are several leaseholds as will be seen from the names of some of the parties defendant to the suit, and these are included, as it is the intention of the Government to seek to obtain possession at once.

The fight which is begun by the serving of these papers promises to be one of the most hotly contested that has been known in the United States courts since the annexation of the Islands. The entire tract covered by the suits comprises 829.1 acres. This is distributed as to ownership among the two estates principally, the larger portion being in the Bishop Estate lands, the Halawa district, and the island known as Kuahua, making a total of 696.5 acres. The portion which is the property of the II Estate is the eastern half of Ford's Island, that portion which lies adjacent to the Halawa lands mentioned. In the portion of the island which the United States wants there is a total of 151.6 acres.

Of the lands of the Bishop Estate there is a quantity which is not highly productive, it being described in the complaint, as being "covered with algaroba and bushes." This is that portion which runs from about Keanapua Point around to the line of the railroad. Other portions of the land are comprised in the Honolulu plantation and again others are used for rice fields and fish ponds.

Perhaps the most valuable lands of the entire area are those on Ford's Island. This forms part of the Oahu plantation, there being now a large crop of cane on the lands. The valuation placed on the lands by the Government is \$16,500. That there will be a hard fight put up by the owners of the property goes without saying. The suit is entered in the name of Charles F. Pond, the present commandant of the Naval Station. The petition in the action is as follows:

United States of America, District of Hawaii. In the District Court of the United States in and for the District of Hawaii. The United States of America, plaintiff and petitioner, vs. Estate of Bernice Pauahi Bishop, deceased; and Joseph O. Carter, William F. Allen, William O. Smith, Samuel M. Damon and Alfred W. Carter, trustees under the will of Bernice Pauahi Bishop, deceased, and of the Estate of said Bernice Pauahi Bishop, deceased; and Oahu Railway & Land Company, a corporation; and The Dowsett Company, Limited, a corporation; and Honolulu Sugar Company, a corporation; and Chow Ah Fo; and John II Estate, Limited, a corporation; and William G. Irwin; and Oahu Sugar Company, Limited, a corporation; and Bishop & Co., a co-partnership; defendants and respondents.

PETITION. To the Honorable the District Court of the United States of America in and for the District of Hawaii. Now comes your petitioner, the United States of America, named herein-

above as plaintiff and petitioner, and represents, avers, alleges and shows as follows, to wit:

1. That, according to law, your petitioner was and still is invested with the power, right and capacity to purchase, acquire, condemn and hold all such real estate wherever situated within its jurisdiction, as may be, for any purpose, necessary to the due exercise of its powers and duties, and in pursuance of and to said power, right and capacity, said plaintiff and petitioner has been and is now desirous of purchasing, acquiring, condemning and holding those certain tracts and parcels of land, and their appurtenances, situated within the limits of the aforesaid district and hereinafter more particularly described, for the erection and maintenance thereon of a naval station and harbor and channel defense, a public use to and for which the said tracts and parcels of land are necessary and indispensable.

2. That the aforesaid tracts and parcels of land and their appurtenances, so to be purchased, acquired, condemned and held for the purposes aforesaid, are, each and all of them, situated in the District of Ewa, in and about the harbor of Pearl Lochs, sometimes called Pearl Harbor, in the Island of Oahu, in the Territory and District of Hawaii, in the United States of America, and are bounded and particularly described as follows, to wit: First: Two portions, hereinafter referred to respectively, by as Portion A and Portion B, of the Estate of Bernice Pauahi Bishop, deceased, sometimes called B. P. Bishop Estate, which are shown on that certain map known and designated as "Hawaiian Government Survey Registered Map No. 1739," and in this behalf your petitioner shows that said portions (A) and (B) are bounded and particularly described as follows, to wit:

Portion A—Commencing at a point on the shore on the eastern side of channel which leads into Pearl Lochs, where the northern shore of the second fish pond below Keanapua Point, as shown on chart No. 1800 published by the Hydrographic Office of the United States Navy Department, joins the low-water mark of the said channel; thence following the shore to the northward along the line of low water to the said Keanapua Point, or Keanapua, as marked on said chart; thence following the shore along low-water mark in a general easterly direction to what is shown on said chart as Southeast Loch, and along the low-water shore line of Southeast Loch to the point in the northern arm of Southeast Loch where the low-water shore line touches the wall shown on the said chart as extending in a southeasterly direction from the southeast corner of Loko Kuanana; thence in an easterly direction along said wall to its end; thence east, magnetic, to the line of the Oahu Railway, thence across said railway and in the same direction, to wit, east, magnetic, eight hundred (800) feet distant from the center of said railway line to a point; thence south 22½ degrees east, magnetic, to the general southern boundary line of the Estate of Bernice Pauahi Bishop, deceased, sometimes called B. P. Bishop Estate, as shown on the aforesaid "Hawaiian Government Survey Registered Map No. 1739"; thence along the said boundary line in a southwesterly direction to where the said boundary line touches the said Oahu Railway, and partly across the said railway in the same direction to its center line; thence still in a southwesterly direction, but more westerly, across the said railway and continuing in the same direction to a point at about the middle of the eastern shore of the said second fish pond below the said Keanapua Point; thence along the shore of the said fish pond to the northward and to the westward to the point of commencement; comprising to high-water mark about six hundred and thirty-five (635) acres, more or less; together with all water, riparian, fishing and other rights, and rights of way and other easements, incidental or appurtenant to the said portion (A).

Portion B—The whole of that certain Island shown upon the aforesaid Hydrographic Office Chart No. 1800, and known and designated as Kuahua, to low-water mark and comprising to high-water mark about 41.5 acres, more or less, together with all water, riparian, fishing and other rights, and rights of way and other easements, incidental or appurtenant to said portion (B).

Second—A portion of the estate of the John II Estate, Limited, a corporation, said portion being a part of that certain Island shown upon the aforesaid Hydrographic Office Chart No. 1800, and known and designated as Mokuumeume or Ford Island, said portion being bounded and particularly described as follows, to wit: Commencing at a point at low-water mark on the shore on the southwest side of said Mokuumeume, or Ford Island, as shown on said Hydrographic Office Chart No. 1800, published by the United States Navy Department, the said commencement point being about six hundred and forty (640) feet to the northward of the central portion of the southernmost point of the said Island, and between the said southernmost point and the beach marked on the aforesaid chart as Kaimaemaema; thence north 25½ degrees east, magnetic, thirty-one hundred and sixty (3,160) feet, more or less, to a point; thence about north 85 degrees east, magnetic, to the extreme northeast point of the said Island to low-water mark; thence to the southward and following the general southerly and southwesterly shore of the said Island along low-water mark, including outlying rocks, points and islets, to the point of commencement, comprising to high-water mark about 151.6 acres, more or less; together with all water, riparian, fishing and other rights, and rights of way and other easements, in-